

ZB# 72-11

Mobil Oil Corp.

4-1-9.242

Public Hearing

all June 5, 1972

~~at~~ ~~Town~~ ~~Sec~~ ~~pad~~

(Cond. use)

8:30 P.M.

(File)

PROPERTY
RECORDS
7 FLOOR, 100 WALL ST.
NEW YORK, N. Y. 10005

72-11(B) Mobil Oil Corp.
(Cond. use.)

filed
7/11/72
12:20 PM.

72-1124Mdl v. Long
(Cond. var.)

Adopted 12/20/65

APPLICATION FOR CONDITIONAL USE

APPLICATION NO: 72-11

DATE: 5/23/71 1971

ZONING BOARD OF APPEALS
TO THE ~~PLANNING BOARD~~ OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) MOBIL Oil Corp of Box 868
(Street & Number)

Albany, New York HEREBY MAKE
(Municipality) (State)
APPLICATION TO THE ~~PLANNING BOARD~~ ZOB OF THE TOWN OF NEW WINDSOR FOR THE USE OF:

A. LOCATION OF THE PROPERTY: Rt 207 & Union (N/W/C)

USE DISTRICT OF ZONING MAP OLI

B. PROVISIONS OF THE ZONING ORDINANCE APPLICABLE. (Indicate the Article, section, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance). Sec 48-35

C. NOTE: NECESSARY FINDINGS: The Planning Board must find all of the following to apply.

1. The requested use will not create conditions different from existing uses in the area because; N/A NO SIMILAR USE IN AREA -

LAND ADJACENT IS GENERALLY VACANT

2. Such use will not cause congestion around entrance or exit because;

ORANGE COUNTY DPW (Highway) HAS REVIEWED
PLAN WITH RESPECT TO CURB CUTS & DRAINAGE
& HAS RENDERED THEIR AFFIRMATIVE REPORT.

3. Such use will not create traffic hazards because;

SEE #2

4. Such use will not be the cause of giving off noxious gases, odors, smoke or soot because; TYPE OF BUSINESS & SERVICE STATION IS NOT

ONE WHICH PRODUCES GASES, ODORS SMOKE OR SOOT
CITY OF NEWBURG HAS REVIEWED THE PLAN & RENDERED THEIR
REPORT RESPECT TO WATER SUPPLY

5. Such use will not cause disturbing emission of electrical discharges, dust, light, vibration noise or radioactivity because of;

NOT PART OF INTENDED USE. Light Fixtures
OR NON-GLARE OPALESCENT LENS CONSIDERED

6. Such use will not change the character of the neighborhood because;

Development will improve Character by
creating visual improvement, a well
designed building, Landscaping & grading

D. DESCRIBE IN DETAIL HOW PROPERTY IS TO BE USED:

Selling gasoline & other automotive improvements

(Use separate sheet of paper if necessary)

E. SUBMIT IN DUPLICATE

1. Plot Plan
2. Description of Building
3. Picture site, including adjacent property.

} to be forwarded separately

F. APPLICATION TO BE ACCOMPANIED BY A CHECK - Payable to Town of New Windsor.
Application to be returned to: New Windsor Planning Board, Town Hall, New Windsor, N. Y. 12550.

STATE OF NEW YORK) ss:
COUNTY OF ORANGE)

Sworn to this 23 day of May 1972.

Vivian Jones Mott

(Notary Public)
VIVIAN JONES MOTT

Notary Public, State of New York

Reading DO NOT WRITE IN THIS SPACE

Application No. 72-11 My Commission Expires March 30, 19...

Date of Hearing June 19, 1972

Date of Decision "

Decision:

Date Received May 23, 1972

Notice Published June 9, 1972

Dranked.



Xerox & return

COUNTY OF ORANGE

Department of Health

124 MAIN STREET
GOSHEN, NEW YORK 10924 TEL 914-294-7961

Commissioner

REUBEN TIZES, M.D., M.P.H., D-P.M. (P.H.)

Asst. Com. for Environmental Health
MATTHIAS SCHLEIFER, P.E.

Director of Public Health Nursing
SHIRLEY THORNTON, R.N.

April 13, 1972

Mr. G. P. Franks
Mobil Oil Corporation
P.O. Box 868
Albany, New York 12201

Re: Waste Water Disposal
Proposed Service Station
Route 207 & Union Avenue
Town of New Windsor

Dear Sir:

I have your letter of March 13, 1972 to Mr. John Bjorklund, of this office, relating to the interim holding tank proposed for the above mentioned installation.

Since the anticipated daily sewage flow is small and no discharge to either surface waters or ground waters (via subsurface disposal) is proposed at the site, no permit for the construction and operation of the system is required by the Orange County Department of Health. No other approval is required by this office since the service station does not fall within our jurisdiction. This matter would more appropriately be handled at a local level. It is suggested that you contact the Town of New Windsor Sanitary Inspector, Mr. Al Craig, for determination as to whether the proposal would meet the requirements of the Town codes and ordinances.

Generally, we are not in accord with the use of holding tanks except on an interim basis and where the interim period is clearly defined and limited, and where the ultimate point of disposal of the scavenged waste is acceptable. The responsibility for any adverse effects due to the ultimate discharge of the waste water cannot be assigned to the scavenger. If this proposal is accepted locally, it appears logical to us that the ultimate point of disposal should be

Mr. G. P. Franks

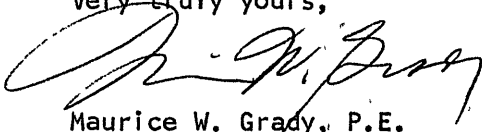
-2-

April 13, 1972

at the existing waste water treatment and disposal facilities of the Town. Arrangements for this method of disposal would, of course, need to be worked out with Town officials.

If you have any questions concerning the foregoing, please do not hesitate to contact the writer.

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. W. Grady", written over a horizontal line.

Maurice W. Grady, P.E.
Director, Bureau of
Environmental Engineering

cc: Mr. Theodore F. Marsden
File



ALFRED H. PETERSON, P.E.
Commissioner

COUNTY OF ORANGE / Department of Public Works

ROUTE 17-M P.O. BOX 509
GOSHEN, NEW YORK 10924
TEL: Office 294-7951 - Garage 294-6119

May 30, 1972

Re: Mobil Oil Corporation
County Road No. 38

Mr. Joel Shaw, Senior Planner
Orange County Department of Planning
Orange County Government Center
Goshen, New York 10924

Dear Mr. Shaw:

We have recently reviewed the above subject service station plans on the site with Mr. G. P. Franks, Real Estate Representative of the Mobil Oil Corporation. At that time comments and changes were made and tentatively agreed to.

We have now indicated these changes on a plan, a copy of which is to be mailed to the Mobil Oil Corporation. Subsequently, when we receive the next submission, we might be able to approve the curb cuts, pursuant to Section 136 of the Highway Law.

However, we still feel that although present day traffic does not appear to be of any problem at this location, the future development of this area could be a different story. We therefore will go on record at this time, that we recognize this as a possible problem area.

Very truly yours,

ALFRED H. PETERSON,
Commissioner

By:

William C. Price, Sr.
William C. Price, Sr.,
Senior Engineer

WCPSR:rmh

CC: Planning Board, Town of New Windsor
Building Inspector, Town of New Windsor
Mobil Oil Corporation (w/Encls.)

7 Franklin Avenue
New Windsor, N. Y.
June 24, 1972

Mr. Graham Franks
c/o Mobil Oil Corp.
868 Post Office Box
Albany, N. Y.

RE: CONDITIONAL USE APPLICATION No. 72-11

Dear Mr. Franks:

Please be advised that the above Conditional Use Permit was heard on Monday evening, June 19th and it was the decision of the Board to grant same.

Enclosed please find letters which I photocopied for my files and am returning same to you. I also enclose a receipt for my fee.

As always, it is a pleasure doing business with you.

Sincerely,

Patricia Dello, Secretary

/pd
Encs.

cc: Howard Collett, Bldg. Inspector



CITY OF NEWBURGH

OFFICE OF ACTING CITY MANAGER

CITY HALL

NEWBURGH, N. Y.

June 19, 1972

Mr. Fred Wygant, Jr., Chairman
Zoning Board of Appeals
555 Union Avenue
New Windsor, New York

S/W/C Rt. 207 & Union Ave.

Dear Mr. Wygant:

Based on the proposed installation noted in a letter dated May 17, 1972 from G.P. Franks, Real Estate Representative of Mobil Oil Corporation, to Mayor George J. Shaw, the City of Newburgh does not object to the construction of the subject Service Station.

Sincerely,

William G. McEvilly
William G. McEvilly
Acting City Manager

WGM:hlt

cc: Mayor George J. Shaw, Jr.

Mr. Joseph Tallarico

Mr. John Doyle

Enclosure

Public Hearing - Mobil Oil Cond. use.

9:00 p.m.

Spectators:

Name R. L. Freedom

Address:
Gen. McBride
Savannah, N.Y.

48 35 Approval of conditional uses.

A [Amended 9-10-69; 2-16-72] On application and after public notice and hearing, the Zoning Board of Appeals may authorize the establishment of the conditional uses which this ordinance permits, subject to such authorization, in the district in which such use is proposed to be located. In approving any such use, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives:

- (1) That all proposed structures, equipment or material shall be readily accessible for fire and police protection
- (2) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties
- (3) That in addition to the above, in the case of any use located in, or directly adjacent to, a residential district
 - (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons

4867

3-25-72

in connection therewith will not be hazardous or inconvenient to, or incongruous with, a residential district or conflict with the traffic of the neighborhood, and

- (b) The location and height of buildings and the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof
- (c) The location of buildings, nature of the use and intensity of the operations shall be such that noise from the use shall not annoy or disturb nearby or adjacent residents. On existing or proposed site plans, when the Town Board has duly received a petition of complaint of noise which alleges a disturbance and annoyance of the residential area surrounding any commercial or industrial complex, the Planning Board may, upon receipt of a resolution from the Town Board, call a public hearing to investigate the allegations of the petition and may set forth restrictions and conditions and amendments to the site plan that they deem warranted by the situation. Said public hearing shall take place within thirty (30) days of notification by the Town Board [Added 2-16-72]

- B Each application for a conditional use shall be accompanied by a proposed plan showing the size and location of the lot, a site plan showing the location of all buildings and proposed facilities, including access drives, parking areas and all streets within two hundred (200) feet
- C Procedure for Orange County Planning Board review
Certain conditional uses are subject to review by the Orange County Planning Board in accordance with the criteria and procedure established for variances under § 48-33B(2) above [Added 9-10-69]

4868

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold a public hearing pursuant
to Section 48-33 A of the Zoning Ordinance on the following proposition:

Appeal No. 11
Request of MOBIL OIL Corp. for a
~~Variance~~ Conditional Use Permit of the regulations of
the Zoning Ordinance, to permit CONSTRUCTION &
OPERATION OF AN AUTOMOTIVE SERVICE STATION
(describe proposal)
being a ~~Variance~~ Conditional Use Permit of Article _____,
Section 48-35, for property owned by him situated
as follows: N/W/C Union Ave & Rt 207
Town of New Windsor

SAID HEARING will take place on the 19th day of June, 1972,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 9:00 o'clock P. M.

Fred Wygant
Chairman
By: Patricia Delio, Secretary

5/26/72

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by _____
for the building or subdivision of _____
has been reviewed by me and is approved _____
_____ Mobil Oil Corporation _____

XX
If disapproved, please list reason.

Approval made with the condition that the tank be emptied at least once every thirty days or more often to prevent an overflow from the holding tank. That the water from this holding tank shall be completely void of any grease, oils, fuels, or any combustible liquids.

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT
Ryman R. Mester Jr.

CERTIFIED MAIL

June 6, 1972

**Mrs. Barbara Conklin
18 Memorial Drive
Newburgh, N. Y. 12550**

**S/W/C Rt. 207 & Union Ave.
Town of New Windsor**

Section 4, Block 1, Lot 9.242

Dear Mrs. Conklin:

The undersigned, representing the applicant, Mobil Oil Corporation, will appear at a public hearing at the Town of New Windsor Offices, 555 Union Ave., Newburgh, June 19, 1972 at 9:00 P.M.

The purpose of this hearing is to present plans for a service station development on the subject premises and to seek a conditional use permit for the same.

You may appear, if interested.

Yours very truly,

**G. P. Franks
Real Estate Representative**

GPF/mt

Mobil Oil Corporation
CERTIFIED MAIL

P O BOX 868
ALBANY, NEW YORK 12201

May 24, 1972

Mrs. Barbara Conklin
~~425 Carpenter Ave.~~
Newburgh, N. Y. 12550

561-
1512
18 Memorial Dr

S/W/C Rt. 207 & Union Ave.
Town of New Windsor

Section 4
Block 1
Lot 9.242


Dear Mrs. Conklin:

The undersigned, representing the applicant, Mobil Oil Corporation, will appear at a public hearing at the Town of New Windsor Offices, 555 Union Ave., Newburgh, June 5, 1972 at 8:30 P.M.

The purpose of this hearing is to present plans for a service station development on the subject premises and to seek a conditional use permit for the same.

You may appear if interested.

Yours very truly,


G. P. Franks
Real Estate Representative

GPF/mt

Mobil

*marion Please send out
to the attached list (again)
Certified - return receipt
save the receipts*

XX

ALL LETTERS ARE REGISTERED MAIL - RETURN RECEIPT REQUESTED

7817
Mrs. Barbara Conklin
425 Carpenter Ave. 18 Memorial Dr.
Newburgh, N. Y. 12550

Section 4
Block 1
Lot 9.242

MUST BE MAILED 5/24 6/6

7884
Mr. Frank Schaffner
Little Brittain Rd.
Newburgh, N. Y. 12550

7811

Section 4
Block 1
Lot 10

7885
City of Newburgh
Newburgh, N. Y. 12550
ATTN City Clerk

7812

Section 4
Block 3
Lot 1.1

7886
State of New York
Department of Public Works
Albany, N.Y.

7813

Section 3
Block 1
Lot 34

7887
Henry & Helena Stellwag
79 D'Alfonso Rd.
MD 29
Newburgh, N. Y. 12550

7814

Section 3
Block 1
Lots 18 & 19

7888
Mr. Fred D. Warmers
P.O. Box 148
Newburgh, N.Y. 12550

7815

Section 3
Block 1
Lot 20

7889
Frederick Scheible
MD 29
Little Brittain Rd.
Newburgh, N.Y. 12550

7816

Section 32
Block 2
Lot 31

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 15, 1972

City of Newburgh
Newburgh, N. Y. 12550

S/W/C Rt. 207 & Union Ave.
Town of New Windsor

Section 4, Block 3, Lot 1.1

Gentlemen:

The undersigned, representing the applicant, Mobil Oil Corporation, will appear at a public hearing at the Town of New Windsor Offices, 555 Union Ave., Newburgh, ~~March 6~~ 1972 at 8:00 P.M.

JUNE 5 8:30
The purpose of this hearing is to present plans for a service station development on the subject premises and to seek a ~~variance from certain~~ zoning regulations. *CONDITIONAL USE PERMIT FOR THE SAME*

You may appear if interested.

Yours very truly,

G. P. Franks
Real Estate Representative

11-757 - G. P. Franks

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.	
<input type="checkbox"/> Show to whom, date and address where delivered	<input type="checkbox"/> Deliver ONLY to addressee

RECEIPT
Received the numbered article described below.

REGISTERED NO.		SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 7833		City of Newburgh N.Y.
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
DATE DELIVERED FEB 16 1972		At Sign Emory for City of Newburgh
		SHOW WHERE DELIVERED (only if requested)

65-15-7115-11 317-108 GPO

100-111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Mobil Oil Corporation

P O BOX 868
ALBANY, NEW YORK 12201

May 17, 1972

Hon. George J. Shaw
Mayor, City of Newburgh
City Hall
Newburgh, New York

Re: Service Station Site
Rt. 207 & Union Avenue
Town of New Windsor

Dear Sir:

It has come to my attention through the New Windsor Zoning Board of Appeals that the City of Newburgh claims they were not notified prior to the public hearing on the above project held on March 6, 1972. Attached is a copy of the certified letter and the return receipt.

On March 6 the public hearing was held, pursuant to the public notice (attached) and the Zoning Board did rule favorably on the petitions for variances and conditional use permit.

Subsequent to this meeting, the New Windsor Planning Board did grant site plan approval and sub-division approval of these lands. Upon receipt of the comments by Orange County Planning and the Soil Conservation Service of the U.S.D.A., I met with Mr. William McEvilly, City Engineer, Newburgh, who reviewed the project in the light of the comments by these interested parties.

Our site plan depicts a concrete curb at the edge of the black top and a drainage swale which will effectively divert surface water from crossing the area where gasoline is dispensed or tanks filled. In addition, the surface water from the site will be diverted to the 18" culvert at the south end of the property or to a 36" culvert - 485' north of the site. The County DPW will make the determination as to which system will be developed.

A positive close off of the culvert to the south will be installed should that system be approved. This will effectively stop any possible gasoline flow into the drainage system in the improbable event any sizable spill occurs.

Please review these details and advise the writer of the City of Newburgh's approval of these improvements.

Very truly yours,


G. P. FRANKS
Real Estate Rep.

Encl.

cc City Engineer, Newburgh
City Manager, Newburgh
Planning Board, Newburgh
Zoning Board of Appeals, Newburgh
Corporation Counsel, Newburgh
Hon. Theodore Marsden, Town of New Windsor, Supv.
✓ Mr. Joseph Tallarico, Planning Bd, New Windsor
Mr. Fred Wygant, Jr. Zoning Bd of Appeals, New Windsor
Mr. William Price, Orange County Planning Dept.
Mr. John Stanton, Planning Board Council.

1. The requested use will not create conditions different from existing uses in the area.
2. Such use will not cause congestion around the entrance or exit.
3. Such use will not create traffic hazards.
4. Such use will not be the cause of giving off of noxious gases, odors, smoke or soot.
5. Such use will not cause disturbing emission of electrical discharges, dust, light, vibration noise or radioactivity.
6. Such use will not change the character of the neighborhood.

The Board, therefore, concluded the following:

1. That no similar use in the area-land adjacent is generally vacant.
2. The Orange County Dept. of Public Works (Highway) has reviewed plan with respect to curb cuts and drainage and has rendered their affirmative report.
3. The type of business and service is not one which produces gases, odors, smoke or soot. The City of Newburgh has reviewed the plan and rendered their report with respect to water supply.
4. Light fixtures, electrical discharges, dust and vibration noise or radioactivity are not a part of the intended use of the proposed business.
5. Development will improve the character by creating visual improvement especially with the proposed well-designed building and landscaping and grading.

*

*

*

*

*

Mr. Franks: They have our original sign rotating erroneously on the plan. I attempted at that time and I think that their regulations are somewhat ambiguous. They say no illuminated rotating sign will be located within 600 feet of the Thruway. I attempted to design a non-illuminated rotating sign and was shot down. I re-designed the sign to a non-rotating one. This permit was issued for a non-rotating sign.

Mr. Wygant: We need one copy of the plans. I shall declare this hearing closed.

Motion followed to approve the Conditional Use permit made of Mobil Oil Corp.

ROLL CALL: Mrs. Busney: yes
Mr. Flanagan: no
Mr. Goemann - yes
Mr. Biello - yes
Mr. Evona - yes MS - yes
Mr. Wygant: yes.

Motion carried - 6 ayes - 1 nay (Mr. Flanagan). Mobil Oil Conditional Use permit approved.

The Board found the following to be true in connection with the above application:

1. from application.

The Board, therefore, concluded the following:

1. from application.

Motion to adjourn by William Goemann seconded by Lawrence Biello.

Motion carried, all ayes. Meeting adjourned.

NEW WINDSOR ZONING BD. OF APPEALS
Regular Session
June 19, 1972

MEMBERS PRESENT: Chairman Fred Wygant, Louise Budney,
Mark Stortecky, William Goemann,
Lawrence Bilello, Ed Flanagan and
Vincent Bivona.

ALSO PRESENT: Bernard J. Sommers, Esq., Board
Attorney and Patricia Delio, Secy.

Chairman Fred Wygant called the June 19th meeting to order at
7:30 p.m. Secretary called the roll.

by William Goemann, seconded by V. Bivona
Motion followed to approve the June 5th minutes ~~as~~ with the
following corrections:

Page 1- Para. 9-Should read "The reason the Town Board wants
the sewer eastment ~~instead of applicant~~).

Page 7- Para. 1-Mr. Sommers statement should read , "~~From~~
~~what I have heard from the applicant himself, I don't see any hardship.~~
"I can't assume what the Board is going to do ~~xxx~~ and I see no point adjourning
this based upon lack of maps." ~~xxx~~

Page 7 - Para. 3- Mr. Sommers statement should read in part,
"If this Board closes the hearing and denies this, you cannot come back
for 6 months."

Page 7 - Para. - It should be noted at the end of Mr. Kartiganer's
statement that Dr. Brophy presented a ^{post marked encl. with} ~~notice that~~ only 5 days notice of hearing
~~had been given.~~ This was made apart of the record.

Motion carried, all ayes.

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Richard Drake, Esq., appeared before the Board on behalf of
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his client Dr. Earl ~~Max~~ Morris who has ^{in a residential home} professional office located

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Richard Drake, Esq., appeared before the Board on behalf of
his client, Dr. Earl ~~Max~~ Morris who has ^{in a residential home} professional office located on
Rt. 94 and Blooming Grove Tpk. Dr. Morris intends to sell this property
to Dr. Eckstein who has a professional office ^{within} ~~in~~ the building ^{at the present time} ~~previously~~.
After much discussion, the Board decided that a use variance is needed in
order for Dr. Morris to sell his building to Dr. Eckstein.

Page 2

Secretary provided all necessary papers to Mr. Drake and a public hearing was scheduled for July 10th at 8 p.m.

* * * * *

PUBLIC HEARING - Application No. 72- of Irwin ~~and~~ and Liss, d/b/a Al's Tire Service, located on Windsor Highway, New Windsor, N. Y. called to order by Chairman Fred Wygant at 8 p.m.

Secretary read the application, public hearing notice and reported the receipt of 10 receipts from adjacent property owners. A list from the Town Assessor was received plus all fees. ^{One} ~~no~~ spectators appeared, ^{Mr. Passione of Coca Cola.}

Chairman Fred Wygant reported a letter ~~which~~ dated June 16, 1972 received ~~from~~ by Supervisor Marsden from the Coca Cola Company, who ^{Hempstead} presently have a building on Temple Hill Road which will be adjacent to the proposed new structure of Al's Tire Service. Said letter contained requests for the Board's consideration if this above variance is granted, i.e. drainage facilities, traffic ~~exits~~ and exits from Hempstead Road. ^{this} Letter was ~~received and filed~~ made ~~app~~ a part of this file.

Irwin Liss made the following presentation:

"We are trying to get curb cuts on Temple Hill Road which will eliminate the traffic on Hempstead Road. We propose a building for the location of our business from Windsor Highway to Temple Hill Road. We have about 5 1/2 acres of land ^{and have} ~~We have~~ outgrown our old building on Rt. 32.

Mr. Wygant: Are there any questions from the Board members?

Mr. Flanagan: How long was your present business at this location on Rt. 32?

Mr. Liss: I would say 6 years. We don't have enough room there. We are expanding.

Mr. Flanagan: After 6 years you need more space?

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Mr. Flanagan: After 6 years you need more space?

Mr. Liss: We do a lot of truck work. We can only bring in one truck at a time. With this plan we expect to do our truck service in the back.

We are presently zoned B2. We are looking for a

Page 3

a
variance for/retail operation. We do both commercial and wholesale business.

~~XXXXXXXXXXXXXXXXXXXX~~

Mr. Bilello: Where is Coca Cola with respect to your place?

Mr. Liss: Coca cola is across the road and down.

Mr. Bilello: You are directly across from Crowleys on Hempstead Road?

Mr. Liss: Yes.

(Discussion followed concerning drainage, referring to the map and...)
Mr. Bivona: I don't understand. Why should there be a question

of drainage there?

Mr. Wygant: I think the Planning Board will review the site plan to seek ~~adequate~~ adequate drainage. Whatever decision we make on this, if we think this is important, we will make a recommendation to the Planning Board.

Mr. Passione: ~~What I have seen by going to that~~ We are ~~planning~~ anxious to get out of Newburgh. We are facing these problems. ~~This is~~ Prior to this month every time it rained even the contractor had to stop working, the water was so bad.

Mr. Bivona: This has nothing to do with the Zoning Board. This should be brought up ~~to~~ the Building Inspector or the Planning Board.

Mr. Wygant: Have your engineer meet with the Building Inspector. He is the person to see about drainage.

Mr. Passione: I was asked to ~~xxxx~~ come here because this meeting was open. The water is coming down from the other side from a culvert in the road. This may build up on the other end of our property. Five years from now we are going to do bottling and canning and close up Newburgh entirely. That is why we took 10 acres of land. This is a lot of land. If this condition prevails on this drainage, we will not be able to ~~go~~ put blacktop in.

Mr. Goemann: Is this a Town Road?

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Mr. Goemann: Is this a Town Road?

Mr. Passione: It is not the road, it is the land that is the problem.

Mr. Goemann: Let the Planning Board get their engineer there and check this out.

Mr. Wygant: Have your engineer check with the Building Inspector? Review the plans ~~with the building inspector~~. If necessary, go to the Planning Board meeting and get their recommendations. ~~The Building Inspector~~ first and then the Planning Board. Any Further questions of Mr. Liss?

Mr. Flanagan: Who was this land bought from?

Mr. Liss: Mr. Yanko.

Mr. Flanagan: It has been bought outright.

Mr. Liss: We are contract purchaser.

Mrs. Budney: Is it normal to have so much parking space around a piece of property for your type of business?

Mr. Liss: We have personnel and many people come in.

Mr. Bivona: How many bays do you have?

Mr. Liss: I would rather have more parking spaces than not enough. If you have 10 people working you have to have 10 parking spaces.

Mr. Bilello; You never have enough parking spaces!

Mr. Wygant: Was a copy of your application and plans sent to the Orange County Palnning Board?

Mr. Liss: Yes.

Mr. Wygant: Have you gotten anything from them?

Mr. Liss: No. ~~Approval for your plans~~

Me. Wygant: It is your intention to have the two entrances and exits on Temple Hill Rd. and two on Hempstead Road.

Me. Liss: Yes.

Mr. Sommers: All you need is a use variance for retail?

Mr. Liss: Yes.

Mr. Goemann: He has plenty of acreage and ample space.

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Mr. Wygant: If our Board does approve this and grant a variance, you will have to go to the Planning Board for site plan approval. They will review your set backs, building plans, drainage, etc. We can't act until

Page 5

we receive the County's decision. As soon as we get this we will make a decision. Our next meeting is July 10th. We will probably render a decision on that date.

Mr. Liss: Can I go to the Planning Board now?

Mr. Wygant: You can go ahead with ~~you~~ the Planning Board if they will entertain you. I declare this hearing closed.

* * * * *

8:30 p.m. PUBLIC HEARING of Frank and Doris LaRocca application for use and sideyard variance for property owned by them located on Rt. 207 ~~and~~ at the junction of Temple Hill Road. Applicant wishes to erect a general store and bait shop (adjacent to Washington Lake) next to their existing house in an RB zone.

Secretary read the application, public hearing notice and reported that 8 receipts were received from adjacent property owners (1 returned unclaimed.) Town Assessor's list received together with all fees.

Mr. Frank LaRocca stated his proposal to the Board, applying for a use and sideyard variance as stated above. Applications and plans were submitted to the Orange County Planning Dept. for their review but no response was forthcoming up to the present date.

Mr. LaRocca went on to elaborate that back in 1968 he had heart surgery ^{which will force him to} and ~~he must~~ retire within the ~~next~~ year. He ~~cannot~~ finds it difficult to put in a full day's work due to the operation. Mr. LaRocca also stated that a general store of the type he is proposing will be a convenience to the neighbors surrounding and will be a convenience for the people who fish in Washington Lake. His wife will ^{help him} ~~also be working~~ in the store.

Mr. LaRocca added that there is a family interest in the property and he cannot sell the house as long as his mother lives in the apartment

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Mr. LaRocca added that there is a family interest in the property and he cannot sell the house as long as his mother lives in the apartment upstairs ^{and that} This was part of the arrangement he made with his mother when Mr. and Mrs. LaRocca moved into the ~~home~~ house. They had to sell their other home ^{and move into his mother's house} as a result of the extreme hardship of medical expenses as the result of his operation.

Page 6

Mr. Wygant: When you say general store, do you mean just bread and milk?

Mr. La Rocca: Yes. Just a small store.

Mr. Wygant: Do you intend to put in parking?

Mr. LaRocca: The front lawn will be removed and 10 or 12 cars will be handled. I won't have that many but it will be adequate as far as parking goes. The store will be set back 40 feet from the road.

Mr. Flanagan: How large is the existing building here?

Mr. LaRocca: I want to put in a breezeway from the store to the house. The house will be 14 feet from the store.

Mr. Goemann: Why are you locating the building further away from the house so that you need a variance ~~xxx~~ from the lot line?

Mr. LaRocca: There is a porch and two existing pillars that hold this porch up are there. If it was not for that, I could get closer.

Mr. Goemann: Is this 6 feet from the building a little square of feet? Could you come over 6 feet and do away with the side yard variance? You only have 10 feet. If you could squeeze that over.

Mr. LaRocca: I could push this over.

Mr. Sommers: I would like to establish your zoning classification. Do you have a private well and septic tank?

Mr. LaRocca: Yes.

Mr. Sommers: You need 40 feet for both sideyards and 18 on each side.

Mr. Wygant: Do you intend to put any plumbing facilities in this building?

Mr. LaRocca: Not off hand.

Mr. Wygant: I was thinking more about septic tank facilities.

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Mr. Wygant: I was thinking more about septic tank facilities.

Mr. LaRocca: There wouldn't be any bathroom facilities.

 Mrs. LaRocca: We could run ~~the~~ it into our dry well. We would probably need water for a convenience if he is going to have bait.

William Goemann: *If* you don't have water, let me know how you are going to keep that bait alive. Don't you have to include sideyard?

Mr. Sommers: He has made application for this. What is the total side yard?

Mr. Goemann: The smallest area is 10 feet.

Mr. LaRocca: Back in 1950 my father-in-law had this place surveyed but between our property and the other property, there is a 3 foot space that nobody seems to own.

Mr. Goemann: Who lives next door?

Mr. LaRocca: The ^{Levin's} ~~Levin's~~ toward the City of Newburgh and Braden toward the ^{other} ~~side~~ side. Mr. Braden has no objection to this. He has two lots.

Mr. Wygant: How much do you have, approximately between your house and the other property line to ~~that~~ the west, the Harris's property?

Mr. LaRocca: *I* would say 35 feet. It is an odd shaped lot, in angles.

Mr. Sommers: He needs an 8 ft. sideyard variance plus a use variance.

Mr. Wygant: We can't take any action until we hear from the County Planning Board. Our next meeting is July 10th. We will take no action until then. We should hear from them by then. Public Hearing declared closed.

* * * * *

PUBLIC HEARING: Application #72-11- Request for Conditional Use permit for a Mobil Oil Station to be located on Rt. 207 and Union Avenue. Secretary read the application, public hearing notice and reported that 7 receipts were received from adjacent property owners. A list from the Town Assessor also accepted together with all fees.

Graham Franks, Mobil Oil real estate representative presented:

Inasmuch as this is the first conditional use permit which the ZBA will be hearing, I took the opportunity to re-read the General Laws of the Town of New Windsor which pertain to the approval of conditional uses. (Mr. Franks then read the entire law and presented the secretary with a copy for the record.) Firstly, Rule 1 ~~states~~ concerning fire and police being readily accessible, we comply with this. The plan and the structure which will be erected on it will be open for fire and police protection for ingress and egress from Union Avenue. ~~The first condition fits~~ The first condition fits the requirement and is adequately fulfilled. Rule 2 - I respectfully submit that this property is located in a OL zone which permits service stations and as I am sure this Board is well aware that the development of this area has progressed somewhat slowly. There is an office building which has been in some state of almost completion. It is not progressing very well fast. I do believe, however, that possibly by the implementation of improvement of some people who are exhibiting interest in this area, perhaps with Stewart Airport and with some other type developments which will get going in the direction of the other lands adjacent, this will be developed in a suitable manner. I do believe that our project is in keeping with the orderly development. We have received our variance with respect to lot size and setback, so that the additional requirement in Rule 3 does not apply. It is not adjacent to any residential district. Finally, each application for a conditional use shall be accompanied by a plot plan, with the location of lot and building and proposed facilities, including access drives, etc. This portion has been referred to the Planning Board and the Orange County Planning Board. Keeping with items 1 & 2 of the General Laws of the Town of New Windsor, this plan in fact fulfills the requirements. Additionally, I am in receipt of a letter from the Orange County Dept. of Public Works sent to the Planning Board dated May 30, 1972. (Read by Chairman Fred Wygant), concerning a possible problem area with respect to drainage. This letter was addressed to the Orange County

Dept. of Planning.

Mr. Chairman, the plan which was previously submitted with my variance and the abortive business we had the last time indicated that the site drainage was actually contained ^{therein & shown} ~~in the~~ should here, (Located on map.) The amended plan that Mr. Price makes reference to, we have incorporated all those changes. This is the area of corrugated metal pipe. It is in On May 17th reviewed the project with the City of the right of way. ~~The planning department reviewed the project with the City of Newburgh engineer Mr. William McEvilly and sent a copy of a letter that I addressed to Mr. George Shaw, Mayor of the City of Newburgh, to your chairman and I will submit some evidence in this case substantially that we wished to insure the City of Newburgh that we would make every reasonable effort with respect to gasoline contamination to Lake Washington, that this will be handled correctly. In that respect, Mr. McEvilly suggested, and we have incorporated it in our plan, that a positive closeoff of the culvert to the south will be installed, ^{should} ~~be~~ that system be approved. This will effectively stop any flow of gasoline into the drainage system, ~~if~~ ^{if} any spill occurs. Mr. McEvilly wanted something to stop the flow of gasoline through the site drainage system into the 18 inch culvert underneath Union Avenue. In reviewing the site drainage, the Orange County Planning Dept. of Public Works specified in their recommendation that the drainage from the southerly or the most left side curb cut, the troth drain on the left curb cut be drained into the 18 inch culvert into Union Avenue. A percolation dry well ~~proposed in the~~ and an extension of the 18 inch culvert into our site to accumulate the possible run ~~off~~ ^{off} from the thruway, will be made. In addition to that, they reviewed the drainage off the thruway property. We have installed a drainage swal which is depicted across the top of the site that will be best so that any accumulated of ~~water~~ ^{water} will be contained outside ~~of~~ of this curbing. The water off the hill will not flow across our site and as such will comply with the New York State Conservation and Pollution Control and ~~minimize~~ ^{minimize} the amount of water input on our site. After this happens, there will be an improved ~~situation~~ ^{situation} to the 36 inch culvert to the~~

Wm. Passione-
Coca-Cola. 72-12 ^{Swain} Liss + Sheldon

Page 10

north and an existing 36 inch culvert and this will be draining ~~in~~ into a system. I have received approval ~~from the town~~ on April 13, 1972 from the Orange County Dept. of Health replying to our application for site plan ~~which~~ (received as part of the record), which ~~essentially~~ ^{letter} refers this matter to the Town for disposition. On May 26, 1972 the Sanitary Superintendent ~~of~~ reviewed this. ~~He~~ recommended approval with the condition that the tank be emptied at least once every 30 days or more often to prevent an overflow from the holding tank ^{and} that the water from this holding tank shall be completely void of any ~~eg~~ grease, oils, fuels, or any combustible ~~in~~ liquids. On May 17, 1972 approval was received for a ~~dated~~ non-rotating sign from the New York State Thruway Auth. A copy of this permit will be sent to the secretary.

Mr. Flanagan asked that the rules for approval of Conditional use permits be read again. This was ^{repeated} ~~read~~ by Mr. Sommers, who ^{stated} ~~said~~ that ^{these were} ~~this was~~ added to the book and ^{were} ~~was~~ amended on Feb. 16, 1972.

Mr. Wygant: I mentioned to the Board that we did receive a letter from the Acting City Manager who was the City Manager stating that ~~that~~ ^{changes that were} with the ~~things~~ ^{that} incorporated in this plan, the City has no objection to this.

Mr. Flanagan: What is the Orange County Planning Board's decision?

Mr. Wygant: They originally approved this with certain recommendations. We acted on this with the variance.

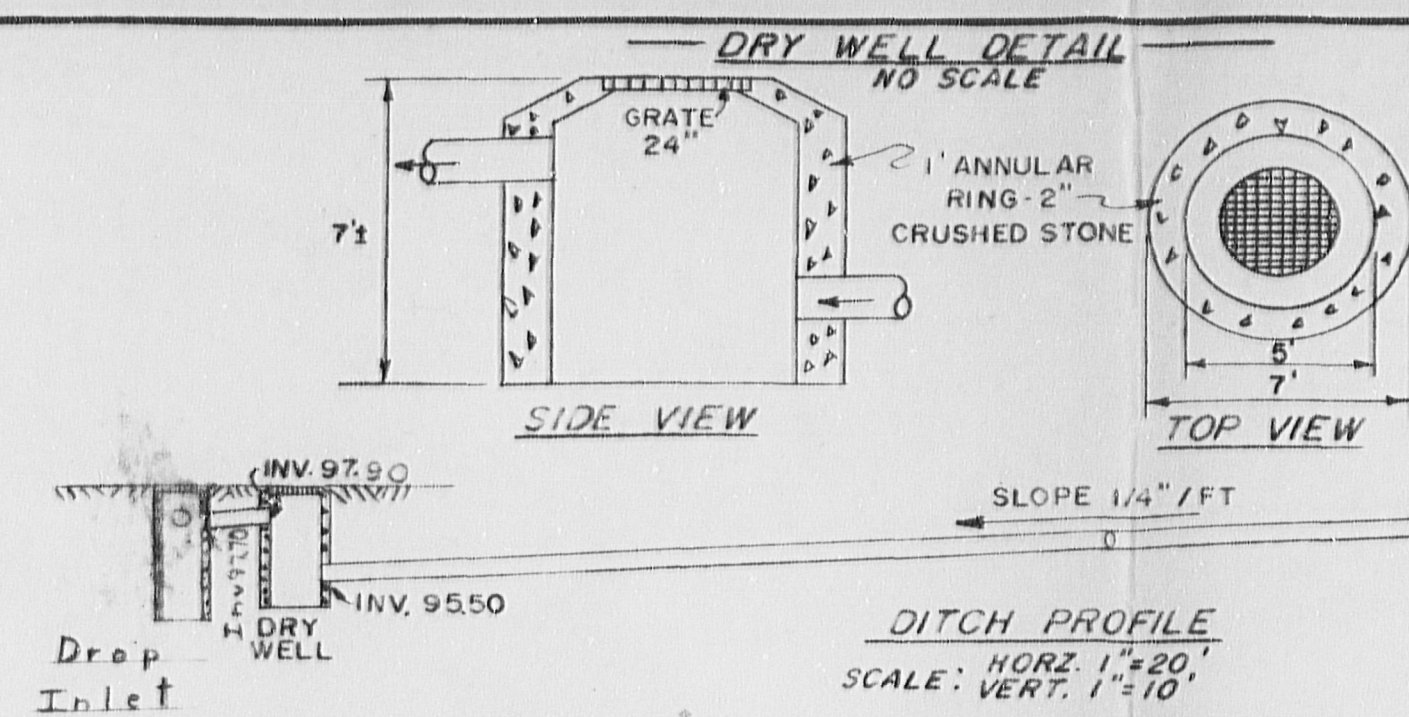
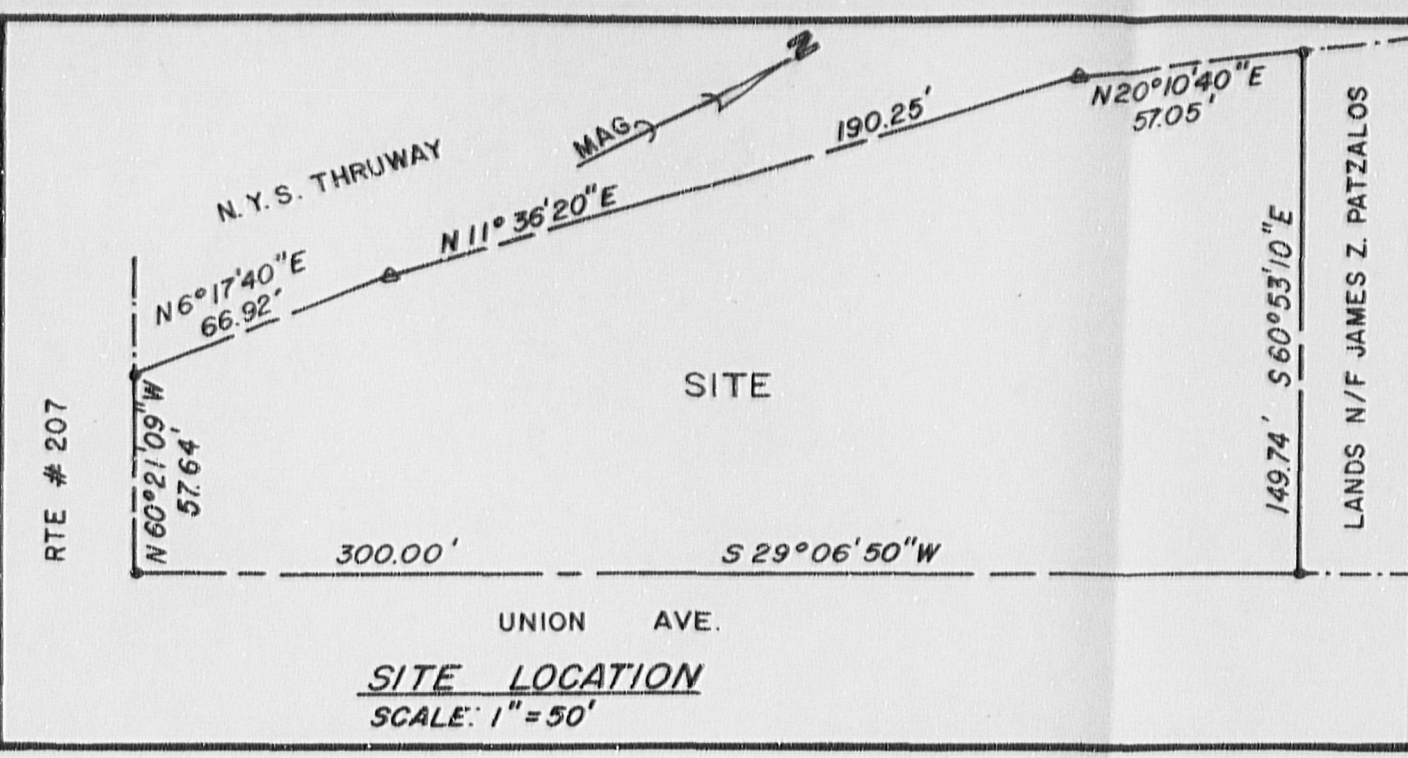
Mr. Sommers: What ~~is~~ ^{is} your status with the Planning Board?

Mr. Franks: I have ^{gone to} talked to them next. Mr. Stanton safeguarded the Planning Board's interest on May 10, 1972. ~~on~~ The Planning Board did not have authority to act on this application when ~~was~~ ^{he} appeared before ~~me~~ ^{them} on April 1972. Approval was null and void.

Mr. Wygant: Any further questions?

Mr. Flanagan: New York State Thruway authority only spoke about the sign?

Gnd. elev.
98.5



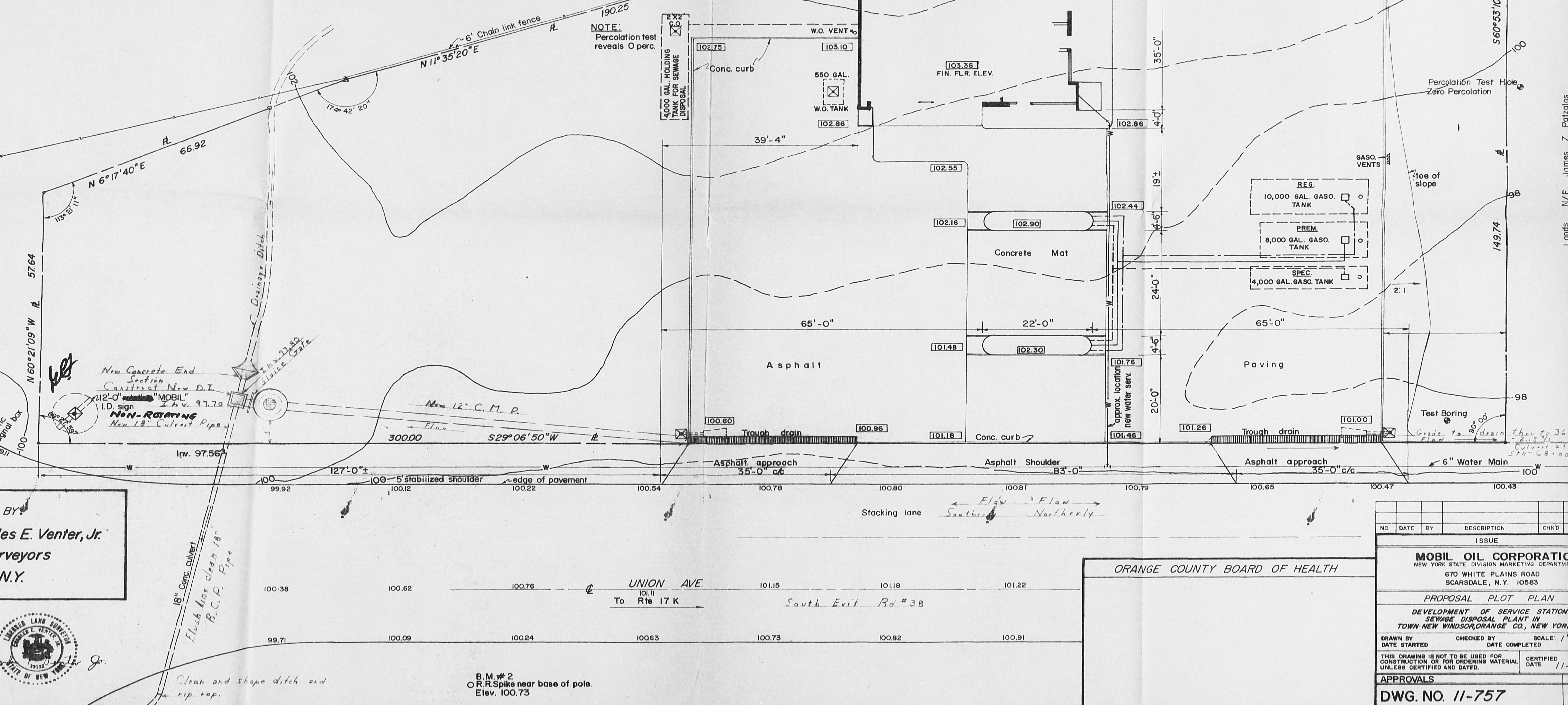
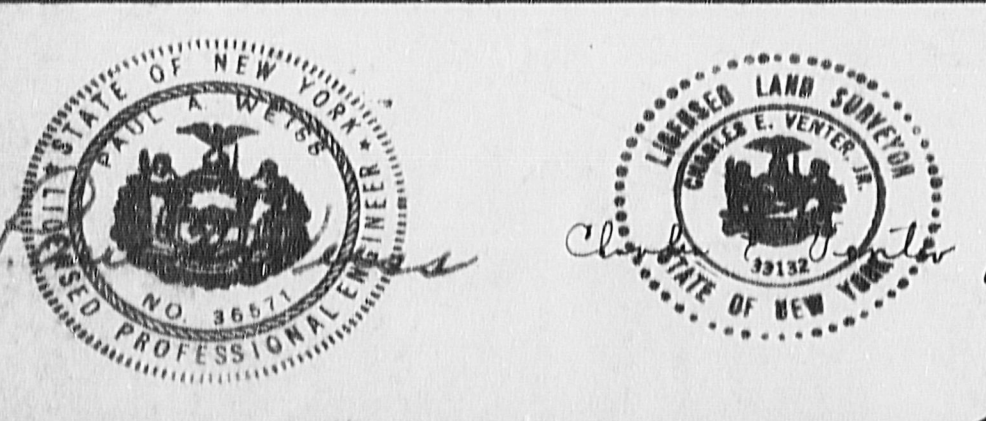
GRADE LEGEND
100.00 = EXISTING GRADE
100.00 = NEW GRADE

Revisions
#1 Added Dry Well, Concrete End Section, 6/17/72
17\"/>

86.5
No solid rock
to this elev.
TEST BORING
SCALE: 1\"/>

RTE 207 To Little Britain
To Newburgh

PREPARED BY
Paul A. Weiss-Charles E. Venter, Jr.
Engineers & Surveyors
Averill Park, N.Y.



ORANGE COUNTY BOARD OF HEALTH

NO.	DATE	BY	DESCRIPTION	CHK'D	CE
ISSUE					
MOBIL OIL CORPORATION NEW YORK STATE DIVISION MARKETING DEPARTMENT 670 WHITE PLAINS ROAD SCARSDALE, N.Y. 10583					
PROPOSAL PLOT PLAN					
DEVELOPMENT OF SERVICE STATION SEWAGE DISPOSAL PLANT IN TOWN OF NEW WINDSOR, ORANGE CO., NEW YORK					
DRAWN BY		CHECKED BY		SCALE: 1\"/>	
DATE STARTED		DATE COMPLETED			
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR FOR ORDERING MATERIAL UNLESS CERTIFIED AND DATED.				CERTIFIED DATE 11-7	
APPROVALS					
DWG. NO. 11-757					